

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:	PCT	
Studio Torta S.r.l. Via Viotti, 9 10121 Torino ITALIE	WRITTEN OPINION (PCT Rule 66)	

Date of mailing (day/month/year)	20.06.2005	
Applicant's or agent's file reference E-1837/03	REPLY DUE	within 3 month(s) from the above date of mailing
International application No. PCT/IT 03/00568	International filing date (day/month/year) 24.09.2003	Priority date (day/month/year) 24.09.2003
International Patent Classification (IPC) or both national classification and IPC E02D27/48		
Applicant SO.L.E.S. - SOCIETA' LAVORI EDILI E SERBATOI S P A		

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 24.01.2006

Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer De Neef, K Formalities officer (incl. extension of time limits) Ter Haar, H Telephone No. +31 70 340-3817	
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WRITTEN OPINION

International application No. PCT/IT 03/00568

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

5-29 as originally filed
1-4 received on 20.04.2005 with letter of 20.04.2005

Claims, Numbers

1-93 as originally filed
94-101 received on 20.04.2005 with letter of 20.04.2005

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

the description, pages:
 the claims, Nos.:
 the drawings, sheets:
 This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	96
Inventive step (IS)	Claims	97-101
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet

Re Item V : Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1.1 Some of the features in the apparatus claim 96 relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features.
- 1.2 This claim does not only define the entity itself (a metal pile) but also specifies its relationship to a second entity (foundation structure with hole) which is not part of the claimed first entity, PCT/GL/ISPE/1-5.37 and Art. 6 PCT. The scope of protection should either be directed to the first entity per se, or to a combination of the first and second entities.
- 2.1 With respect to paragraph 1, the technical features of claim 1 related to the metal pile per se are : being suitable for constructing a pile foundation according to the method as claimed in one of the claims 1 to 95; the pile comprises a rod and at least one bottom main head.
- 2.2 Document US-A-5234287 discloses such metal pile with rod and bottom main head which is suitable for constructing a pile foundation according to the method as claimed in one of the claims 1 to 95 (PCT/GL/ISPE/1-5.23). The subject-matter of claim 96 is therefore not new (Article 33(2) PCT).
3. Dependent claims 97-101 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step, because said additional features appear to be design features linked to their inherent benefits.